

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION <i>This Document Relates to:</i> <i>All Cases Naming Auburn Pharmaceutical Company as a Defendant, as Reported Herein</i>	MDL No. 2804 Case No. 17-md-2804 Judge Dan A. Polster
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**STATUS REPORT OF AUBURN PHARMACEUTICAL COMPANY
IN RESPONSE TO
November 9, 2022, ORDER REGARDING NON-LITIGATING DEFENDANTS**

This status report is sent to you on behalf of Auburn Pharmacal Company (“Auburn”) pursuant to the Court’s order of November 9, 2022, DN 4742. Pursuant to the Court’s prior October 7, 2022, order, on November 7, 2022, undersigned counsel for Auburn sent to Plaintiff’s Liaison Counsel Peter Weinberger a table indicating the volume of opioid dosage units manufactured, distributed, or dispensed by Auburn in the calendar years 2006-2018, and where such opioid products were shipped or distributed during this same time-period.

Auburn believes that the evidence will demonstrate not only that Auburn has not engaged in any actionable or wrongful acts or omissions, but that Auburn does in fact adhere to the highest standards of responsibility as a distributor of Controlled Drugs. However, Auburn is not opposed to participating in mediation and/or settlement negotiations to forgo the substantial cost of litigation but has neither been approached nor approached any other party about the possibility of settlement. As Auburn has not seen any proposals regarding settlements between plaintiffs and small-scale, non-litigating distributors, it is somewhat difficult for Auburn to comment on how these cases might be resolved by agreement. Of course, voluntary dismissal would be ideal and acceptable. If settlement with the remaining distributors is to be discussed, Auburn believes those

discussions should take into account each distributors' percentage share of the total opioid dosage unit distribution volume.

Finally, regarding the Court's suggestion of the use of a *Lone Pine* order, Auburn has no objection to an order requiring each plaintiff to bring forth proof, including expert proof, specifically demonstrating Auburn and the other non-litigating distributor defendants directly and proximately caused the damages of which they complain and are liable on the claims asserted by them.

Dated: December 9, 2022

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CERTIFICATE OF SERVICE

I certify that the foregoing was electronically filed on December 9, 2022, with the Clerk of Court using the CM/ECF notification system thereby giving notice to all counsel of record.

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